

**Hoff, David**

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**From:** Hedman, Susan  
**Sent:** Monday, March 25, 2013 10:15 AM  
**To:** Hyde, Tinka; Henry, Timothy  
**Subject:** Fw: Marquette Mining Journal: EPA blasted over CR 595

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**From:** Speizman, Elissa  
**Sent:** Monday, March 25, 2013 9:53:58 AM  
**To:** Hedman, Susan; Mathur, Bharat; Hyde, Tinka; Henry, Timothy; Kaplan, Robert  
**Cc:** Rowan, Anne; Cassell, Peter; Cannon, Phillippa; Gawlinski, Denise; Beckmann, Ronna Erin  
**Subject:** Marquette Mining Journal: EPA blasted over CR 595

## The Mining Journal

### EPA blasted over CR 595

March 24, 2013

By JOHN PEPIN - Journal Staff Writer ([jpepin@miningjournal.net](mailto:jpepin@miningjournal.net)) , The Mining Journal

MARQUETTE - In recent testimony on Capitol Hill, Marquette County Road Commission engineer-manager James Iwanicki said the U.S. Environmental Protection Agency overreached in several areas to kill the would-be Marquette County Road 595 project.

Iwanicki was invited to Washington, D.C., Thursday to testify before a Natural Resources Committee hearing by U.S. Rep. Dan Benishek, R-Crystal Falls.

"County Road 595 would have had a positive impact on the mining, logging, recreation and tourist industries," Iwanicki testified. "Rio Tinto was willing to fund an \$83 million, 21-mile, public road project to access a remote, but key, area of the county. The road would have had a major positive economic and public safety impact for the area and region."



Marquette County Road Commission engineer-manager James Iwanicki testified about what he called overreach by the U.S. Environmental Protection Agency to kill the would-be County Road 595 project. (Senate television image)

U.S. Rep. Dan Benishek, R-Crystal Falls, asks a question at a Natural Resources Committee hearing on Capitol Hill Thursday that focused on mining jobs in the United States. (Senate television image)

Iwanicki detailed governmental bipartisan support for the project at the local, state and federal levels.

"As a local government official, it was very frustrating dealing with the EPA throughout this project," Iwanicki testified. "If I operated the Marquette County Road Commission the way the EPA handled this permit, I would not be sitting here today."

The hearing focused on creating new mining jobs in the United States.

"These regulators in Washington are killing job growth in northern Michigan. It's ridiculous. The County Road 595 project in Marquette had the potential to create many good paying jobs and extend the life of the Eagle Mine," Benishek said in a news release. "That would have been huge for the U.P., but the EPA crushed it with costly regulations and unreasonable rules. Frankly, it seems like these Washington regulators have a political agenda and its killing jobs right here in upper Michigan."

Earlier this year, the Michigan Department of Environmental Quality announced it would not be issuing a permit to the road commission for the project, after EPA objections, mostly involving wetlands mitigation, could not be satisfied.

Iwanicki testified the EPA kept changing expectations, with limited time to comply over the Christmas and New Year's holidays.

"Any time we seemed to come to a conclusion and thought we had solved their issue, they would come back and say, 'Well, that's not really what we meant, we were looking for something more like this' and that was very evident when you took a look at the wetland mitigation process," Iwanicki testified.

Iwanicki said the road commission first proposed forested wetlands creation. EPA officials instead wanted more wetlands preservation. The road commission came up with a preservation plan. Then EPA objected to who the land stewards would be and mineral rights not being acquired.

Iwanicki said 25 acres of wetlands needed to be mitigated. The road commission proposed preserving 2.5 square miles, bordering a wilderness area and national forest; producing a 25:1 wetlands destruction to preservation ratio.

Iwanicki said the EPA rejected the county, road commission and Michigamme Township as designated land stewards, which was required in perpetuity.

"None of the local agencies were considered a viable steward for that land," Iwanicki said. "The state Department of Natural Resources in December agreed that they would be the stewards of the land and when we said that to the EPA, the EPA was not sure that the state DNR was an acceptable agency to be the steward of this land."

The DNR manages all the public state lands in Michigan.

"It was very frustrating," Iwanicki said. "And you can see from all of our public support that we had on the political end of things that it was something that the people wanted and something that we wanted as a community."

At the hearing, Benishek asked Iwanicki if he was aware of the EPA requests being required for any other county road in the country.

"I'm unaware of any and again if these requirements are out there for all new road projects, it's a good thing our grandfathers and great-grandfathers built a lot of the infrastructure here in the United States," Iwanicki said.

Benishek said with the project dead, the alternative is to transport ore a distance of 66 miles, through the city of Marquette, instead of the shorter 21-mile route. This results in trucks burning more diesel fuel and producing more pollution.

"I want to have clean air and clean water too, but is our air going to be cleaner because of this?" Benishek asked. "Is our water going to be cleaner because of this decision? I don't think so."

John Pepin can be reached at 906-228-2500, ext. 206. His email address is [jpepin@miningjournal.net](mailto:jpepin@miningjournal.net)